

# THE CROATIAN PARLIAMENT

1573

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

I hereby promulgate the Act on Amendments to the State Attorney's Office Act, passed by the Croatian Parliament at its session on 10 July 2015.

Class: 011-01/15-01/75

Reg. No.: 71-05-03/1-15-2

Zagreb, 15 July 2015

The President of  
the Republic of  
Croatia  
**Kolinda  
Grabar-  
Kitarović**, m. p.

## ACT

### ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

#### Article 1

In the State Attorney's Office Act (Official Gazette 76/09, 153/09, 116/10, 145/10, 57/11, 130/11, 72/13, 148/13 and 33/15), in Article 94 there shall be inserted the following new paragraph 4:

»(4) Only such candidate with respect to whom no security impediment has been established by means of a special procedure may be appointed a county state attorney or municipal state attorney.«.

Paragraphs 4 and 5 shall be renumbered 5 and 6, respectively.

#### Article 2

In Article 96, paragraph 2 shall be deleted.

Paragraph 3 shall be renumbered 2.

### Article 3

In Article 97, paragraph 2 shall be deleted.

Paragraphs 3, 4, 5 and 6 shall be renumbered 2, 3, 4 and 5, respectively.

Paragraph 7, renumbered 6, shall be amended to read as follows:

»(6) After having obtained the opinion referred to in paragraphs 3 and 5 of this Article, the State Attorney General shall, in addition to his proposal, deliver to the State Attorney Council the applications, including any accompanying evidence and information provided by the candidates, and data on the candidates' performance which the State Attorney's Office of the Republic of Croatia has at its disposal.«

After paragraph 8, renumbered 7, there shall be inserted the following new paragraphs 8 and 9 and paragraph 10:

»(8) For the candidate who it determined to be the best candidate the State Attorney Council shall submit to the competent security and intelligence agency a request for the conduct of basic background checks.

(9) On the basis of the competent security and intelligence agency's report on the result of background checks the Council shall give its assessment of the existence of security impediments.

(10) Background checks shall be conducted in accordance with the Security Vetting Act.«

In paragraph 9, renumbered 11, after the words: »one candidate« there shall be inserted the words: »or the candidate referred to in paragraph 8 of this Article refuses to give his consent to the conduct of background checks or where with respect to the candidate referred to in paragraph 8 of this Article a security impediment is found to exist «.

### Article 4

Article 99 shall be amended to read as follows:

»(1) A state attorney's office shall terminate:

1. when the state attorney office terminates, on the day the term of office expires;
2. following the imposition of a disciplinary penalty, on the day the decision becomes final;
3. upon release from duty.

(2) In the case of a merger of state attorney offices, consolidation of state attorney offices, or division of a state attorney office, the office of the state attorneys of all the state attorney offices included in this restructuring shall terminate on the day of the merger of state attorney offices, consolidation of state attorney offices, or division.

(3) The decision on the termination of office of the State Attorney General in the case of release from duty shall be taken by the Croatian Parliament and the decision establishing the emergence of circumstances of state attorney office termination by the State Attorney Council. The order on the termination of office of a county or municipal state attorney in the case of his release from duty and the decision establishing the emergence of circumstances of state attorney office termination, the finality of the imposed disciplinary penalty, and the merger of state attorney offices, consolidation of state attorney offices, or division of a state attorney office shall be taken by the State Attorney Council.«.

#### Article 5

In Article 152, paragraph 1, subparagraphs 8 and 9 shall be deleted.

Subparagraphs 10, 11 and 12. shall be renumbered 8, 9 and 10, respectively.

In paragraph 2, the words: » procedures for the enrolment of candidates in the State School for Judicial Officials and in the final exam procedure, from deciding on an objection to a candidate's final grade in the State School for Judicial Officials,« shall be deleted.

#### Article 6

In Article 156a, paragraph 2, after the words: »merger of state attorney offices« there shall be inserted a comma followed by the words: »consolidation of state attorney offices«.

#### Article 7

In Article 157, paragraph 3, after the words: »on their work experience« the comma and the words: »and a written statement of consent to all background checks carried out pursuant to a special regulation. If background checks have been requested, the candidate shall be entitled to be informed of the results in compliance with special regulations on the performance of background checks« shall be deleted.

#### Article 8

In Article 158, paragraph 3 shall be deleted.

Paragraph 4, renumbered 3, shall be amended to read as follows:

»(4) The State Attorney General shall deliver to the Council the applications of all the candidates, including all the gathered information.«.

#### Article 9

In Article 159, paragraph 4, in the second sentence, the words: »fulfilling the requirements for the position of deputy state attorney,« shall be deleted.

#### Article 10

Article 159a shall be amended to read as follows:

»(1) In appointing a candidate with completed State School for Judicial Officials to the post of deputy municipal state attorney, the Council shall base its choice on the final grade achieved by the candidate at the State School and the number of points scored by the candidate in the interview, according to the established priority list.

(2) Where the Council is appointing candidates with completed State School for Judicial Officials to the posts of deputy municipal state attorneys and the candidates were awarded their final grades at the State School for Judicial Officials on the basis of different criteria, the values of the final grades of the said candidates shall be adjusted by multiplying the final grade of each candidate with a coefficient.

(3) For each candidate the coefficient referred to in paragraph 2 of this Article shall be calculated by dividing the highest attainable final grade as laid down in the regulations in force at the time the candidate applied for the job opening of deputy municipal state attorney with the highest attainable final grade under the regulations in force at the time the candidate received the grade.

(4) Only such candidates as pass the psychological test to which they were referred by the Council may be called for the interview referred to in paragraph 1 of this Article.

(5) Psychological testing shall serve to assess a candidate's ability to hold the office of deputy state attorney and shall be conducted by an authorised legal entity designated by the Council. The Ordinance on the content and methods of, and manner of conducting psychological testing shall be adopted by the Council.

(6) The candidates that pass the psychological test shall be called for the interview before the Council.

(7) In the interview a candidate may score no more than 30 points.«

#### Article 11

After Article 161 there shall be inserted the following Article 161a:

#### »Article 161a

(1) In respect of candidates who at the time of applying for the job opening of deputy state attorney are not holding the state attorney office and who according to the opinion of the State Attorney Council are the best candidates the Council shall submit to the competent security and intelligence agency a request for basic background checks. The said request shall be submitted for as many candidates as the number of deputy state attorney appointments.

(2) On the basis of the competent security and intelligence agency's report on the result of background checks the Council shall give its assessment of the existence of security impediments.

(3) If the candidate referred to in paragraph 1 of this Article refuses to give his consent to the conduct of background checks or if with respect to the said candidate a security impediment is found to exist, the Council shall submit to the competent security and intelligence agency a request for the background checks of the next best candidate.

(4) Background checks shall be conducted in accordance with the Security Vetting Act.«.

#### Article 12

In Article 182, paragraph 2, after the words: »civil servants and employees,« there shall be inserted the words: »traineeship, proceedings for and manner of taking, and the syllabus of the state professional examination,«.

Paragraph 4 shall be amended to read as follows:

»(4) The minister in charge of the judiciary shall lay down in an ordinance the necessary level of education of civil servants and employees working at state attorney offices.«.

Paragraph 5 shall be deleted.

#### Article 13

Article 185 shall be deleted.

#### Article 14

Article 191 shall be amended to read as follows:

»(1) State attorneys at state attorney offices taking part in a merger of state attorney offices, consolidation of state attorney offices, or division shall on the day of the merger, consolidation or division of the said state attorney offices cease to hold their office and continue their work as deputy state attorneys at the state attorney office resulting from the merger, consolidation or division.

(2) When due to a merger of state attorney offices, consolidation of state attorney offices, or division of state attorney offices state attorneys cease to hold their office, the state attorney of the immediately higher state attorney office shall designate a deputy state attorney from the state attorney offices in question or a deputy state attorney from the immediately higher state attorney office to perform the tasks of state attorney administration until the appointment of a new state attorney of the state attorney office resulting from the merger, consolidation or division and no longer than one year.«.

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 15

Procedures for the appointment of deputy state attorneys pending on the day of the entry into force of this Act shall be completed in accordance with the provisions of the State Attorney's Office Act (Official Gazette 76/09, 153/09, 116/10, 145/10, 57/11, 130/11, 72/13, 148/13 and 33/15).

#### Article 16

The procedures for the taking of the state professional examination by employees at state attorney offices shall comply with the provisions of Articles 19 through 56 of the Ordinance

concerning court officials and employees (Official Gazette 63/97, 140/99, 55/01 and 156/04) until the entry into force of a special regulation on the procedure for and manner of taking, and the syllabus of the state professional examination, laying down the syllabus of the state professional examination for employees at state attorney offices.

Any procedure for the taking of the state professional examination by employees at state attorney offices that were initiated but have not been completed until the entry into force of the special regulation referred to in paragraph 1 of this Article shall be completed in accordance with the provisions of the ordinance referred to in paragraph 1 of this Article.

Any examinations for employees at state attorney offices passed or recognised pursuant to regulations that were applicable before the entry into force of this Act and examinations passed in accordance with paragraphs 1 and 2 of this Article shall be deemed passed or recognised under the regulations on civil servants and employees.

#### Article 17

The Ordinance on the content and methods of, and manner of conducting psychological testing shall be adopted by the Council within six months from the day of the entry into force of this Act and the minister in charge of the judiciary shall adopt the ordinance referred to in Article 182, paragraph 4, as amended by Article 12 of this Act.

#### Article 18

This Act shall be published in the Official Gazette and shall enter into force on 1 September 2015.

Class: 022-03/15-01/48

Zagreb, 10 July 2015

THE CROATIAN PARLIAMENT

The President of  
the Croatian  
Parliament

**Josip Leko, m. p.**